

REMARKS

Claims 7-9 and 69-74 were previously pending in this case, and these claims remain pending. Applicants file the present paper in the interests of placing the case in better form for appeal, by addressing three issues.

I. Finality of the Action

First, the Action was not properly final. Claims 69-74 were pending in the last Office Action, but they were never discussed or addressed until the final Action. The final Action rejects these claims for the first time, and that rejection cannot be final.

II. Claims 72-76

Second, the rejection of claims 72-76 omits discussion of claim features. The Action addresses claims 69-76 in a brief paragraph on page 6, stating that these “computer-readable medium” claims recite the same language as claims 7-9, but some of those claims actually recite different features. In fact, claims 69-71 are computer-readable medium claims, while claims 72-76, are method claims that include language not found in claims 7-9. For example, claims 75 and 76 recite the program causing the mobile device to “automatically display a listing of physical products available for dispensation by the vendor device when the mobile device enters the transmission range.” Applicants request formal consideration and discussion of these claims.

III. Clarification Requested Regarding Several of the Features

Third, Applicants request clarification regarding how several of the features are allegedly shown in the combination of references. Two such features are discussed below.

First, claim 7 recites when its program is sent. Specifically, claim 7 recites that the transmission occurs “automatically when the wireless mobile device enters a transmission range of the wireless transmission channel port.” The Action cites Shore, Fig. 6 and para. 75, 83 and

102-116. Applicants have reviewed those portions, and it remains unclear where those portions allegedly show such timing. To the contrary, those portions don't appear to mention the timing, and it actually appears that such timing is not shown in Shore.

Second, claim 7 recites what kind of program is being sent. Specifically, claim 7 recites that the program is "to take control of a wireless mobile device's menuing, interaction and display functions to extend the vendor device's display interface to said mobile device." The Action cites Shore for the vendor device interface, but admits that Shore fails to show extending this interface as recited. To address this, the Action cites three references (Ali, Philips and Business), but Applicants are unclear as to which of these three additional references allegedly shows extending a vendor device's display interface to a mobile device. Instead, it appears that the Action merely cites these references for the general proposition that mobile devices can communicate wirelessly with one another. As far as Applicants can see, none of the three additional references actually discloses taking control of a wireless mobile device's menuing, interaction and display functions to extend the vendor device display interface to said mobile device, as recited. Clarification is requested in this regard.

Conclusion

Applicants submit that pending claims 7-9 and 69-76 distinguish over the applied references, and are in condition for allowance. If the Examiner feels that additional discussion and/or amendment would be helpful, the Examiner is invited to telephone Applicants' undersigned representative at the number appearing below.

Respectfully submitted,

Date: February 15, 2010

/Steve Chang/
Steve S. Chang
Reg. No. 42,402
BANNER & WITCOFF, LTD.
1100 13th St. N.W.
Washington, D.C. 20005

202 824-3000